

Congress of the United States

Washington, DC 20515

June 13, 2008

The Honorable Michael Chertoff
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Chertoff:

We write to express our concerns regarding the appointment of Principal Federal Officials ("PFO") by the Department of Homeland Security ("DHS") for the 2008 hurricane season.

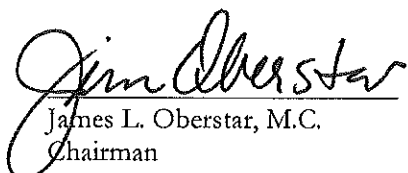
The Consolidated Appropriations Act of 2008,¹ signed by the President on December 26, 2007, provides that: "None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official for any Robert T. Stafford Disaster Relief and Emergency Assistance Act declared disasters or emergencies."

The prohibition in the 2008 Appropriations Act was enacted after Congressional investigations into the response to Hurricane Katrina, which was an unusually complex incident which required extraordinary coordination. These investigations identified the role of the PFO as a significant factor contributing to the Federal Government's ineffective response to that disaster. In addition, State and local emergency management professionals and local elected officials have identified, at hearings and in correspondence with our committees, that the PFO confused the Federal chain of command and added delays to Federal response activities. It is clear that our Nation faces serious risks – and serious consequences – if the Federal Government can not effectively respond to major disasters and emergencies.


We have obtained a memo under your signature, dated May 23, 2008, entitled "Pre-designating Principal Federal Officials and Federal Coordinating Officers for the 2008 Hurricane Season." This memo announces pre-designation of PFOs, and states that DHS "will only appoint a PFO for catastrophic or unusually complex hurricane incidents that require extraordinary coordination." This memo seems to put the Department on a path to violating the restriction against appointing PFOs for Stafford Act declared disasters or emergencies. Hurricanes, even those that result in complex responses, almost always result in Stafford Act declarations so it is unclear by what authority these pre-designated PFOs would be appointed. This year's hurricane season has begun and, therefore, this matter is not only urgent but extremely time sensitive. We ask that you clarify to our committees the circumstances under which you would appoint PFOs, no later than 10 days from the date of this letter.

¹ P.L. 110-161 Division E, Title III, Section 541, 121 Stat 2079


Sincerely,




James L. Oberstar, M.C.
Chairman
Committee on Transportation
and Infrastructure



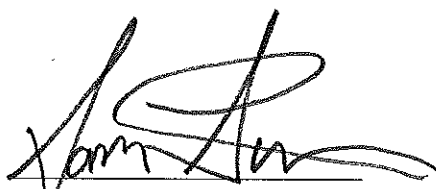
John L. Mica, M.C.
Ranking Member
Committee on Transportation
and Infrastructure



David E. Price
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Eleanor Holmes Norton, M.C.
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Sam Graves, M.C.
Ranking Member
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